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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/695,169	10/29/2003	You-Young Jung	1349.1266	7130

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EXAMINER

WALLING, MEAGAN S

ART UNIT	PAPER NUMBER
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2863

DATE MAILED: 07/12/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/695,169

Applicant(s)

JUNG, YOU-YOUNG

Examiner

Meagan S. Walling

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2006.
2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2-6 and 8-17 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
5) ☒ Claim(s) 2-6 and 8-12 is/are allowed.
6) ☒ Claim(s) 13, 16 and 17 is/are rejected.
7) ☒ Claim(s) 14 and 15 is/are objected to.
8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
10) ☒ The drawing(s) filed on 29 October 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter. Claim 17 must contain language stating that the program is executed by a computer processor. The preamble of claim 17 should read, for example, "A computer-readable medium storing at least one program, when executed by a computer processor, controlling a moving image processor according to a process comprising:". See MPEP 2106.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claims 13 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Ishii et al. (US 5, 111, 511).

Regarding claim 13, Ishii et al. teaches a motion detector detecting motion information values representing presence and absence of a motion for each pixel/block of an input nth image field (column 1, lines 6-8); and a motion calculator adjusting according to a formulaic value the

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detected motion information values of the input nth image field based upon motion information values of an input n+1th image field (column 5, lines 14-34).

Regarding claim 16, Ishii et al. teaches that the motion information values are adjusted according to a formula $V(i,j) = V(i,j) + T1$ or a formula $V(i,j) = V(i,j) - T2$, and wherein $V(i,j)$ represents a motion information value for jth pixel on line ith of the input nth image field, and T1 and T2 are random first and second values within a predetermined range, respectively (see Fig. 2(b)).

2. Claim 17 is rejected under 35 U.S.C. 102(b) as being anticipated by Hamada et al. (US 5,568,196).

Regarding claim 17, Hamada et al. teaches removing spurious still regions and spurious motion regions during an image field motion detection, based upon a limited added to or a limited subtracted from, pixel motion information values of a current image field using only immediately preceding and succeeding image fields to the current image field (column 3, lines 33-48).

Allowable Subject Matter

3. Claims 14- 15 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter:

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The primary reason for the indication of allowability of claim 14 is the inclusion of the limitation that the motion calculator calculates a mixed valued (α) according to the adjusted detected motion information values of the input nth image field and outputs the mixed value to a deinterlacing processor outputting an image frame based upon the mixed value. It is this limitation in the claimed combination that has not been found, taught, or suggested by the prior art of record that makes these claims allowable.

4. Claims 2-6 and 8-12 are allowed.

The following is an examiner's statement of reasons for allowance: Please see the previous office action and applicant's response for reasons for allowance.

Response to Arguments

Applicant's arguments with respect to claims 13 and 17 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Meagan S. Walling whose telephone number is (571) 272-2283. The examiner can normally be reached on Monday through Friday 8:30 AM to 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached on (571) 272-2269. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

msw

BRYAN BUI
PRIMARY EXAMINER

A handwritten signature in black ink, appearing to read 'Bryan Bui', is written below the printed name and title.